

COMMITTEE REPORT

Date: 10 October 2023 **Ward:** Acomb
Team: West Area **Parish:** No Parish
Reference: 23/01349/OUT
Application at: 36 Dane Avenue York
For: Outline application for 2no. dwellings including details of access, layout and scale (site of former 36 and 38 Dane Avenue)
By: City Of York Council
Application Type: Outline Application
Target Date: 12 September 2023
Recommendation: Approve

1.0 PROPOSAL

1.1 This application refers to the former site of a pair of semi-detached properties that were demolished in 2021 following structural defects discovered in 2017. The former homes that were on this site were British Steel and Iron Foundation (BSIF) houses as per the rest of Dane Avenue and were built 1946/7. The remainder of Dane Avenue comprises of semi-detached BSIF homes, most of which underwent major renovation works both internally and externally in 2000 including external insulation and render, roof replacement and window replacement. All of the houses are 2 storeys with standard gable roofs. The middle of the road comprises a large grassed area with some small trees open for use by the general public. The boundary treatments at the fronts of the houses are a mixture of hedging and fences with most around 1.2m high.

1.2 Outline permission is sought for the layout, scale and access of 2no. detached self-build dwellings. All other matters (appearance, landscaping) are reserved.

1.3 The application is reported to committee because it is a CYC application and an objection has been received.

2.0 POLICY CONTEXT

The National Planning Policy Framework (2021)

2.1 The National Planning Policy Framework (2021) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

2.2 Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

2.3 Paragraph 130 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- are sympathetic to local character and history, including the surrounding built environment and landscape setting
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

Draft City of York Council Local Plan 2018

2.4 The Draft Local Plan 2018 (DLP2018) was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in late 2023. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

The Draft Policies relevant to the determination of this application are:

D1 – Placemaking

D2 – Landscape and Setting

CC2 – Sustainable Design and Construction of New Development

ENV2 – Managing Environmental Quality

ENV3 – Land Contamination

ENV5 – Sustainable Drainage

GI1 - Biodiversity and Access to Nature

T1 – Sustainable Access

2.5 Draft Policies D1, D2, ENV2, ENV3, GI2 and T1 are subject to modifications to ensure consistency with the NPPF and to enhance clarity for decision making

purposes. As such these policies only have moderate weight. The proposed changes to Draft Policy CC2 are quite extensive and have been subject to modification and further consultation and therefore have limited weight.

3.0 CONSULTATIONS

INTERNAL

Highways Network Management

3.1 No objections. Recommend conditions.

Flood Risk Management

3.2 No comments provided.

Public Protection

3.3 No objections subject to conditions re. land contamination. Information provided re. electric vehicle recharging and compliance with Building Regulations.

EXTERNAL

Yorkshire Water

3.4 No response received.

4.0 REPRESENTATIONS

Neighbour Notification and Publicity

4.1 The application was advertised by neighbour notification letter. 1 letter has been received from the adjacent dwelling and the following issue has been raised:
- the new dwelling (plot 2) is closer to the shared boundary than expected. The difference in land levels will mean the new dwelling will loom over the existing dwelling and garden.

5.0 APPRAISAL

KEY ISSUES:-

- Principle of development
- Design and Street Scene

- Access and Parking
- Impact on neighbour amenity
- Sustainability
- Drainage

Principle of Development

5.1 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision making this means where there are no relevant development plan policies, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The NPPF seeks to support the Government's objective of significantly boosting the supply of homes.

5.2 The NPPF requires local planning authorities to seek the efficient use of land in sustainable locations, focus development towards previously developed land and to deliver a wide choice of high quality homes. Policy D1 of the 2018 Draft Local Plan states that development proposals which cause damage to the character and quality of an area will be refused and requires that proposals are appropriate for its proposed use and neighbouring context.

5.3 The site lies within an established residential area in a sustainable location close to local shops and with public transport links into the centre of York. The site was previously occupied by a pair of two storey semi-detached dwellings which were orientated across the site, following the corner plot.

5.4 In view of the above the principle of residential development on this site is considered acceptable.

Design and Street Scene

5.5 The site has been identified as being suitable for self-build development as part of the Council's aim to provide more self-build plots within the authority area. The indicative plan shows 2no. detached dwellings with parking and gardens to front and rear. Both dwellings would be two storey. It is acknowledged that detached dwellings are a departure from the form of existing development in Dane Avenue and the surrounding streets, however the corner plot at the entrance to the street and the wide adjacent verge provides some separation from surrounding development. It is therefore considered that more individual detached development would not appear at odds in this location.

5.6 The design, appearance and materials of the dwellings will form part of the reserved matters application, however the Dane Avenue Design Code has provided the following requirements for each dwelling:

- each home must have a minimum of 2no. bedrooms
- the maximum footprint of each dwelling will measure 6.75m x 9m
- maximum ridge height no greater than the ridge of adjacent properties measured from the ground level to the highest part of the roof
- the height of any chimney, flue, soil or vent pipe or other structure for renewable energy must not exceed the highest part of the roof by 1m
- any side window must be obscurely glazed and non-opening
- suitable waste and recycling provision must be provided for collection from the front of the property.

5.7 Plot 1 would be set forward of the neighbouring dwelling, following the general build line of development further along Dane Avenue, and plot 2 would be located along, but set away from the side boundary with no. 40 Dane Avenue in order to fit within the general build line of development further north. The overall siting of both dwellings is considered appropriate given the detached nature and would not have an overly dominant impact on the street scene.

Access and Parking

5.8 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.9 A new vehicle access would be created for plot 1 with plot 2 utilising the existing access. There are no objections raised with regard to the creation of the new access for plot 1 and 2no. parking spaces would be provided which is considered to be reasonable. Given the layout of plot 2, only 1no. parking space is shown, however it is noted that there is space within the site for additional parking if required. The layout of specific parking areas will be determined at the reserved matters stage of consent.

Impact on Neighbour Amenity

5.10 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. Policy D1 of the 2018 Draft Local Plan states that development proposals should ensure design considers residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

5.11 The siting of both dwellings would bring development closer to their adjacent neighbours than the previous dwellings although care has been taken that the rear corner of plot 2 is positioned no closer to no. 40 than the original dwelling and that the front corner of plot 1 is oriented around the furthest most front projection of the original property.

5.12 Concerns have been expressed by no. 40 Dane Avenue with regard to the position of dwelling 2 in conjunction with the raised land level of the application site and the potential for the new dwelling to appear dominant and loom over their property. The documents submitted with this application confirm that the building will be no higher than the surrounding development. As such it is unlikely that the new dwelling would appear any more dominant than the original dwelling sited here. It is noted that the side elevation of plot 2 would be closer to the side boundary with no. 40, however it has been set away from the boundary and aligned with the neighbouring detached garage and away from the main dwelling therefore the impact of this replacement dwelling on the main living areas of no. 40 will be not be significant. The orientation of dwelling 2 within the plot would also benefit the rear garden of no. 40 as the rear facing windows will no longer directly look onto their rear garden.

5.13 Plot 1 would be positioned centrally within the site and slightly closer to no. 34 than the original dwelling, however given the limited openings to the side boundary of this neighbouring dwelling, it is unlikely that there would be a significant impact on amenity over and above the previous situation.

5.14 Based on the details provided at outline stage, the location/siting of the proposed dwellings are not considered to have a significant impact on neighbour amenity over and above the previous situation. Full assessment on amenity will be possible once detailed drawings are submitted at the reserved matters stage.

Sustainability

5.15 The Dane Avenue Design Code includes the Council's commitment to carbon neutral developments by 2030, however no details have been provided at this stage in relation to sustainable construction and the requirements of 2018 Draft Policy CC2 and building regulations part L. Therefore, it is recommended that a condition be included on the permission for evidence to be provided prior to the commencement of development.

5.16 In accordance with Paragraph 174 (d) of the NPPF (2023) and draft Local Plan policy GI2 the development will be required to provide biodiversity enhancements to the site in order to ensure biodiversity net gain post construction. Whilst no preliminary ecological assessment has been submitted as part of the outline submission such biodiversity enhancements can be secured via condition.

Drainage

5.17 Policy ENV5 of the 2018 Draft Local Plan states Sustainable Drainage System (SuDS) methods of source control and water quality improvement should be utilised for all new development, to minimise the risk of pollution and to attenuate

flood volumes. The type of SuDS used should be appropriate to the site in question and should ensure that there is no pollution of the water environment including both ground and surface waters. Existing land drainage systems should not suffer any detriment as a result of development.

5.18 As the proposals relate to replacement dwellings it is possible that they will utilise the previous form of drainage, however details will be conditioned to be provided at the reserved matters stage.

6.0 CONCLUSION

6.1 The outline proposals to create 2no. replacement dwellings is considered to be appropriate in terms of siting, height and access in line with the requirements of the NPPF and the aforementioned City of York Draft Local Plan (2018) policies.

7.0 RECOMMENDATION: Approve

1 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before:

- the expiration of two years for the date of approval of the last of the reserved matters to be approved.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (England) Order 2015.

2 Fully detailed drawings illustrating all of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with the approved details:

- Details to be submitted: appearance and landscaping of the proposed development to be carried out.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

3 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Proposed site plan - drg. No: 04 rev. A

Application Reference Number: 23/01349/OUT

Item No: 4b

Dane Avenue Design Code

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

4 The location of the approved dwellings shall be in general accordance with the following plan:-

Proposed site plan - drg. No: 04 rev. A

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

5 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices sample materials should be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

6 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the commencement of above ground works and the approved means of enclosure shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

7 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons. A written report of the findings shall be produced, submitted to and approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:

- human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9 Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in

writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 0800 to 1800 hours

Saturday 0900 to 1300 hours

Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

12 A reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations.

Prior to first occupation of the dwelling details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of sustainable design and in accordance with policies CC1 and CC2 of the Draft City of York Local Plan 2018.

13 The total number of dwellings shall not exceed 2 and no house shall exceed 7.5 metres in height.

Reason: In the interests of visual amenity and the character of the area.

14 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

15 A scheme for biodiversity enhancement shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved scheme and implemented prior to occupation of each dwelling.

Reason: In order to enhance biodiversity in accordance with Paragraph 174 (d) of the NPPF (2023) and policy GI2 of the draft Local Plan 2018.

8.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

2. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171 - Vehicle Crossing - Section 184 - (01904) 551550 - streetworks@york.gov.uk

Contact details:

Case Officer: Elizabeth Potter

Tel No: 01904 551477